

decoding the first encryption secure information using the first media ID to obtain the key and the first license information;

generating a second encryption secure information by encrypting with a second media ID, which identifies a second storage medium, the key and a second license information, which represents a second right to use the contents that is devolved from the first license information stored on the first storage medium ; and

storing the second encryption secure information in said second storage medium, wherein the right to use the contents stored in the first storage medium is devolved from the first storage medium to the second storage medium.

9. (ONCE AMENDED) A license devolution system in communication with computer readable storages, comprising:

an access unit accessing a first storage unit having a first storage ID and storing contents encrypted with a predetermined key and storing a first encryption secure information generated by encrypting the key and a first license information, which represents a right to use the contents, with the first storage ID, and accessing a second storage unit having a second storage ID identifying the second storage unit;

a decoder decoding the first encryption secure information stored in said first storage unit using the first storage ID to obtain the key and the first license information; and

a devolving unit devolving the right to use the contents of the first storage unit to the second storage unit by generating a second license information, which represents a second right to use the contents devolved from the first license information stored on the first storage unit, and encrypting the key and the second use information with the second storage ID to generate a second encryption secure information stored in said second storage unit.

REMARKS

STATUS OF CLAIMS

Claims 1-9 are pending.

Claims 1-9 are rejected under 35 USC 103(a) as being unpatentable over Ross et al. (US Patent No. 5,553,139) in view of Hasebe et al. (US Patent No. 5,392,351).

Claims 1-2, 5-6, and 8-9 are amended, and, thus, claims 1-9 remain pending for reconsideration, which is requested.

The foregoing rejections are respectfully traversed. No new matter has been added in this Amendment.

35 USC 103 REJECTIONS

ROSS

In view of the January 22, 2003 Examiner interview, Ross does not disclose or suggest the concept of "license devolution." The Examiner appears to be asserting that Ross discloses transfer of license information by providing a system in which license information is distributed down a product distribution chain from the manufacturer to the end-users. However, such characterization of Ross is not similar to the claimed present invention, because in Ross "transfer" implies delivery of license information from the manufacturer to the end-users, but license devolution implies transfer (relinquish) of license information from one to another.

In other words, it is the idea of transferring (relinquishing) license rights from one to another and using media IDs of the transferor and the transferee to protect the transferred license rights, respectively, which differs from Ross. The present invention uses transferee's (licensee's) information (i.e., second media ID) to protect license information devolved to the transferee. Ross discloses providing (delivering) license rights from one to another using a key to protect the license information. Ross's key information is tied to licensor, because Ross does not relate to "devolution." Ross does not disclose or suggest using transferee (licensee) information to protect the license information, because Ross does not give up or relinquish ownership of anything (i.e., does not involve "devolution"). See, Ross, column 3, lines 14-46, where the serial number, extractor's password, number of connections, etc. used as an enabler key (e.g., encryption key) are license information or other information tied to/assigned by the licensor, including a distributor or agent, and provided to the licensee (end user) to decrypt (column 3, lines 37-43). In contrast to Ross, amended claim 1 recites: "encrypting the key and ... a second right to use the contents that is devolved from the first license information stored on the first storage medium ... to generate a second encryption secure information with the second media ID for storage in said second storage medium." See, claim 9 and dependent claim 7 regarding "a composite unit" allowing secure transfer of license information and content from a first storage medium to a second storage medium using the second (transferee) storage medium ID.

A "licensing" system and a "devolution" system are distinct concepts, as evidenced by their dictionary definitions, thesaurus references, and term usage and treatment in the relevant

art (see Pinard and Stefik below). Search of dictionaries and thesauruses reveals that "license" and "devolution" are not synonymous and do not overlap.

In the Office Action, the Examiner maintains that "license" means "grant of rights," thereby implying that rights are being transferred. However, grant of a license right is not same as transfer of a license right. "License" means "grant of rights" or "authorization," but "devolution" means transfer of such license rights or such authorization to another (i.e., another licensee), transfer being in the legal context of passing ownership rights from one to another or pulling from ownership rights (hence devolving, see, FIG. 1 where license information is changed from 1 to 0). In "devolution" a transferor of license rights relinquishes an interest in the thing being transferred, so that, for example, a transferor is no longer a licensee because after devolution another transferee is now a licensee. In the context of Ross's license distribution, the term "transfer" means "delivery" or "transport" of license information and does not mean transfer and relinquish of an interest in a thing (Ross, claim 1). Because Ross does not relate to a "license devolution" system, Ross does not disclose or suggest the claimed "second license information ... devolved from the first license information" and the second license information encrypted using "a second media ID identifying the second storage unit" on which the devolved second license information is stored. The Examiner only indicates that Ross discloses second encryption information. However, the present invention's devolved second use (license) information encrypted with the second media ID differs from Ross's second encryption information using a key tied to the licensor, but not a key tied to the transferee (licensee), such as the transferee's media ID.

Although the IEEE "license" definition provides "transfer of intellectual property rights," which can be confusing, the definition provides "transfer of an intellectual property right from the licensor to licensee," consistent with the first part of the definition suggesting a document used to deliver grant of authorization to a licensee. Further, the Applicants request from the Examiner the IEEE dictionary definition for "devolution."

A "license devolution" system is a different concept than a licensor to licensee distribution system of Ross, because "devolution" involves a transfer of ownership rights, such as transfer of ownership of a license (transfer of a license right). A licensee is owner of a license and if the licensee transfers his/her ownership in the license to another, there is "license devolution." This concept is not disclosed in Ross, because nobody, distributors or end-users, in Ross's distribution chain is transferring his/her ownership rights in their license. Ross does not have

devolved second license information, and Ross's references to "transferring" means delivering, moving, or copying license information (Ross, claim 1).

PINARD AND STEFIK

In the interview the Primary Examiner suggested expressly addressing these two references in the next response. Regarding these other prior art not relied upon, but mentioned by the Examiner in the Response to Arguments (page 12, 2nd to last paragraph), Pinard (US Patent No. 5,638,494, column 3, lines 19-34) and Stefik (US Patent No. 5,715,403, column 11, lines 64-67 and column 35, lines 3-32) are more relevant to the present invention by discussing "devolution" or transfer transactions. Although, Pinard and Stefik disclose the concept of "devolution," they are silent and do not suggest the present invention's idea of devolving a license and protecting the devolved license information using a media ID of a transferee (licensee) that will be storing the devolved license information. In contrast to Pinard and Stefik, claim 1 recites: "generate a second encryption secure information with the second media ID for storage in said second storage medium." At least, because Pinard and Stefik are silent on protecting devolved license information, the motivation to combine Pinard and Stefik with Hasebe is undermined.

HASEBE

Although Hasebe discloses use of a medium key 12 (i.e., medium number of the storage medium) to generate encrypted permission information 13 (col. 5, lines 31-33 and col. 7, line 64 to col. 8, line 4), Hasebe does not accommodate "license devolution." In contrast to Hasebe, claim 1 recites: "second license information ... devolved from the first license information."

CLAIM RECITATIONS

Regarding claim 1, the Primary Examiner suggested moving the preamble language into body of the claim to positively recite the concepts of a "license devolution" system. Claim 1 is amended accordingly.

Independent claims 1, 8 and 9 are also amended to improve form and to further emphasize the patentably distinguishing features of the present invention. Support for the claim amendments can be found in the Application as follows: as recited in the preamble of the claims, "license devolution" is transfer (relinquish) of license information from one to another. In view of the Application, "license information" is same as "use information" by both terms indicating authorization or permission information from which absence or presence of use rights can be derived and transferred. Page 22, lines 13-20 and page 6, lines 12-15 capture the

concept of "license information devolution." In other words, on page 22, "use information" is further expanded to include other information indicating presence or absence of use rights, such as an authorized person name, etc. Further, the descriptions for FIGS. 6 and 7, discuss license purchases and distribution (page 34) in the context of "permission information" (page 34-35).

In contrast to the above-discussed references, whether individually or combined, the claimed present invention as recited in amended claim 1 provides:

1. (FOUR TIMES AMENDED) A license devolution apparatus, comprising:

... encrypting the key and a second license information, representing a second right to use the contents that is devolved from the first license information stored on the first storage medium, together with one another or individually, with the second media ID, to generate a second encryption secure information with the second media ID for storage in said second storage medium (emphasis added).

Further, in contrast to the above-discussed references, the claimed present invention as recited in amended claim 9 provides:

9. (ONCE AMENDED) A license devolution system in communication with computer readable storages, comprising:

...

a devolving unit devolving the right to use the contents of the first storage unit to the second storage unit by generating a second use information, which represents a second right to use the contents devolved from the first storage unit, and encrypting the key and the second use information with the second storage ID to generate a second encryption secure information stored in said second storage unit (emphasis added).

BENEFITS OF THE CLAIMED PRESENT INVENTION

The foregoing references do not provide the benefits of the present invention's "second license information" encrypted with "the second media ID." The present invention's "second license information" can provide, for example, the following benefits: (1) secure/legal content transfer to another (i.e., transfer of license) via copying; (2) using content/information one hundred times, and prohibiting use of the content beyond one hundred times;(3) accommodating free use of the content/information for one hundred times by any user; and (4) using the

content/information for fifty times out of the one hundred in one computer and the right of using the content for the other fifty times in another computer.

CONCLUSION

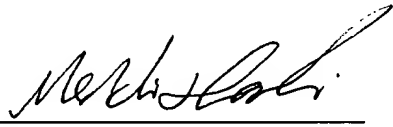
In view of the remarks herein, withdrawal of the rejection of claims 1-9 and allowance of claims 1-9 is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

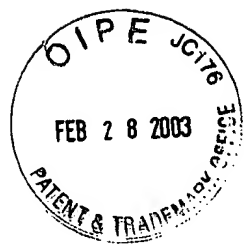
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1-2, 5-6 and 8-9 are **AMENDED** as follows.

Recitation of all pending claims is provided for reference convenience.

1. (FOUR TIMES AMENDED) A license devolution apparatus, comprising:
storage medium accessing means for accessing a first storage medium storing contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and a first encryption secure information generated by encrypting the key and a first [use]license information, representing a right to use the contents, together with one another or individually, with the first media ID, and accessing a second storage medium storing a second media ID identifying the second storage medium[, wherein the right of using the contents stored in said first storage medium is devolved from said first storage medium to said second storage medium[, said license devolution apparatus comprising:];

decoding means for decoding the first encryption secure information stored in said first storage medium using the first media ID to obtain the key and the first [use]license information; and

encryption means for encrypting the key and a second [use]license information, representing a second right to use the contents that is devolved from the first license information stored on the first storage medium [to the second storage medium], together with one another or individually, with the second media ID, to generate a second encryption secure information with the second media ID for storage in said second storage medium.

2. (THREE TIMES AMENDED) A license devolution apparatus according to claim 1, wherein said encryption means encrypts with the first media ID a third [use]license information, obtained through subtracting the second [use]license information from the first [use]license information, or encrypts with the first media ID both the key and a third right of using, to generate a third encryption secure information and stores the third encryption secure information in the first storage medium.

3. (AS TWICE AMENDED) A license devolution apparatus according to claim 1, wherein if the entire rights of using the contents, to which the first storage medium is entitled, are

devolved to the second storage medium, the first encryption secure information stored in the first storage medium is destroyed.

4. (AS ONCE AMENDED) A license devolution apparatus according to claim 1, wherein before devolution of the right to use contents, the first storage medium stores contents whose right to use is intended to be devolved as encrypted contents, and

wherein said license devolution apparatus further comprises contents transfer means for reading the encrypted contents from the first storage medium, and storing in the second storage medium the read encrypted contents.

5. (THREE TIMES AMENDED) A license devolution apparatus according to claim 2, wherein the first [use]license information and the second [use]license information represent the presence of the right to use, and the third [use]license information represents the absence of the right to use.

6. (TWICE AMENDED) A license devolution apparatus according to claim 2, wherein the first [use]license information represents a first available number of times or available time, the second [use]license information represents a second available number of times or available time which is less than the first available number of times or available time, and the third [use]license information represents a third available number of times or available time which is obtained through subtracting the second available number of times or available time from the first available number of times or available time.

7. (AS ONCE AMENDED) A license devolution apparatus according to claim 1, further comprising a first drive and a second drive driving the first storage medium and the second storage medium, respectively, said first drive and said second drive having a first firmware and second firmware accessing the first storage medium and the second storage medium, respectively,

wherein said decoding means and said encryption means are arranged in a firmware including said first firmware and said second firmware in form of a composite unit; and

wherein only said first firmware has authority to access the first storage medium driven by said first drive, and only said second firmware has authority to access the second storage medium driven by said second drive.

8. (TWICE AMENDED) A license devolution method, comprising
storing in a first storage medium contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and encryption secure information generated by encrypting with the first media ID, the key and a first [use]license information, which represents a right to use the contents;

decoding the first encryption secure information using the first media ID to obtain the key and the first [use]license information;

generating a second encryption secure information by encrypting with a second media ID, which identifies a second storage medium, the key and a second [use]license information, which represents a second right to use the contents that is devolved from the first license information stored on the first storage medium [to the second storage medium]; and

storing the second encryption secure information in said second storage medium, wherein the right to use the contents stored in the first storage medium is devolved from the first storage medium to the second storage medium.

9. (ONCE AMENDED) A license devolution system in communication with computer readable storages, comprising:

an access unit accessing a first storage unit having a first storage ID and storing contents encrypted with a predetermined key and storing a first encryption secure information generated by encrypting the key and a first [use]license information, which represents a right to use the contents, with the first storage ID, and accessing a second storage unit having a second storage ID identifying the second storage unit;

a decoder decoding the first encryption secure information stored in said first storage unit using the first storage ID to obtain the key and the first [use]license information; and

a devolving unit devolving the right to use the contents of the first storage unit to the second storage unit by generating a second [use]license information, which represents a second right to use the contents devolved from the first license information stored on the first storage unit [to the second storage unit], and encrypting the key and the second use information with the second storage ID to generate a second encryption secure information stored in said second storage unit.